

II. REMARKS

A. General.

Claims 23-92 are pending after entry of this Amendment. Claims 1-22 are cancelled without prejudice, reserving the right to prosecution in one or more subsequent applications. Cancellation of claims 1-22 should not be construed as an admission that any previous rejection of these claims was correct.

B. Patentability of new claims.

In the Office Action, the Examiner rejected now-cancelled claims 1-13 and 15-22 as being “anticipated by Wood et al. [U.S. Patent No. 5,868,619; hereinafter ‘Wood et al.’].” See Office Action, ¶ 5. The Examiner further rejected now-cancelled claim 14 as being “unpatentable over Wood et al. in view of Piechowiak [U.S. Patent No. 5,807,172; hereinafter ‘Piechowiak’].” See id., ¶ 7. Applicants’ new claims 29-92 are patentable over these two references.

Wood et al. disclose “a progressive jackpot processor which allocates a portion from each wagering increment to assemble a progressive jackpot.” See col. 8, lines 44-46. Wood et al. further disclose “Multiple progressive jackpots.” See col. 8, lines 53-54. But new independent claim 23 distinguishes Wood et al. by reciting, for example, that a first progressive jackpot is paid “if the wager is at least a first wager amount,” and by reciting that a second progressive jackpot is paid “if the wager is at least a second wager amount, the second wager amount being larger than the first wager amount.” (emphasis added)

Applicants’ independent claims 35, 58, and 70 recite similar language. In contrast to payment of a progressive jackpot based on the amount of the wager, as recited in Applicant’s independent claims, Wood et al. disclose only payment of multiple progressive jackpots “for differing combinations [of poker hand outcomes].” See e.g., Wood et al. col. 8, lines 43-58.

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In one instance, Wood et al. disclose only that a portion of a “separate bonus wager” is allocated to a progressive jackpot. See col. 4, lines 58-62. Accordingly, Applicants’ independent claims 23, 35, 58, and 70, and claims depending therefrom, are patentable over Wood et al.

New independent claim 47 distinguishes Wood et al. by reciting, for example, the act of “paying the largest of either the first progressive jackpot or the second progressive jackpot if the random gaming result is a winning progressive jackpot result.” (emphasis added) New independent claim 82 recites similar language. Accordingly, new independent claims 47 and 82, and claims depending therefrom, are patentable over Wood et al.

Piechowiak discloses only activating up to “nine ways to win” on a slot machine, and multiplying payout by increasing a wager See e.g., Piechowiak col. 3, lines 33-34. Neither of these features is a “progressive jackpot” as recited in Applicants’ claims. Applicants therefore respectfully disagree with the Examiner’s assertion that Piechowiak discloses progressive jackpots as recited in Applicants’ claims. See Office Action, ¶ 7. The Examiner did not cite exactly where Piechowiak discloses such a progressive jackpot. Accordingly, since the combination of Wood et al. and Piechowiak do not disclose or suggest all elements in Applicants’ new independent claims, nor claims depending therefrom, these new claims are patentable over the combination of Wood et al. and Piechowiak.

C. Request.

Applicants request the Examiner reconsider, allow all pending claims, and pass this application to issue. If the Examiner’s next action is otherwise, Applicants invite the

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Examiner to telephone the undersigned attorney at 408-453-9200 so as to expedite prosecution of this application.

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Respectfully submitted,


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